

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated June 18, 2004, are respectfully requested.

I. Amendments

In response to claim objections, claim 13 has been amended to now depend on claim 9, rather than previously canceled claim 12.

Claim 4 is now canceled.

Claims 1, 9 and 15 are amended to clarify language previously pending, and to import limitations from claim 9 into claims 1 and 15. No new matter is added.

The applicants wish to thank the Examiner for the detailed Office Action. In the *Response to Arguments*, the Examiner noted that the applicant did not claim the phrase "an individual subscriber in a system has an automatic fax-routing feature activated for incoming calls." In the previous response, claim 1, for example, did recite that the system "automatically determines whether the subscriber has activated an automatic routing feature that automatically routes incoming calls based on whether they are of the first character or the second character." The applicants wish to apologize for any confusing claim language, and thus in this response amend the independent claims to include language substantially similar to that suggested by the Examiner.

II. Rejections under 35 U.S.C. § 103

A. The Applied Art

Claims 1-8 and 13-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kwok et al. (U.S. Patent No. 6,167,123) in view of Luong (U.S. Patent No. 6,108,405). U.S. Patent No. 6,167,123 to Kwok et al. (*Kwok*) is directed to a call discrimination system which provides voice, facsimile, and data services utilizing one telephone number for each local line being serviced under a PBX system. Further details regarding Kwok may be found in the previous response. U.S. Patent No. 6,108,405 to Luong (*Luong*) is directed to a system for accepting an incoming call in a

computer/telephony integrated system in which the incoming call is received by both a base station and a computer.

Claims 9, 10, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kwok et al. (U.S. Patent No. 6,167,123) and in view of Brockman et al. (U.S. Patent No. 6,546,085). U.S. Patent No. 6,546,085 to Brockman et al. (*Brockman*) is directed to a system and method that enables a calling party to verify the delivery or the cancellation of a stored facsimile.

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kwok et al. (U.S. Patent No. 6,167,123) and in view of Horne (U.S. Patent No. 6,298,122). U.S. Patent No. 6,298,122 to Horne (*Horne*) is directed to a call screening system that determines the caller ID information associated with a call and compares it to a database of allowable calling parties.

B. Analysis

The Applied Reference Fails to Disclose or Suggest the Claimed Invention.

As noted above, *Kwok* discloses a call discrimination system which provides voice, facsimile, and data services utilizing one telephone number for each local line being serviced under a PBX system. *Kwok et al.* either performs a system-wide "automatic" routing of fax calls for all subscribers, or a manual routing for fax calls by requiring each subscriber to enter a code: there is no middle ground. In sum, *Kwok et al.* fails to disclose automatically determining whether an individual subscriber in a system has an automatic fax-routing feature activated for incoming calls to that subscriber.

Claim 1 (and claims 9 and 15) has been amended to clarify inherent language of previously pending claims. In other words, claim 1 has been amended to recite, among other limitations, that the method includes automatically determining whether an individual subscriber has activated a subscriber-specific automatic routing feature that automatically routes incoming calls based on whether they are of the first or second character, wherein calls of the second character include facsimile transmissions. Thus, each subscriber under the method of claim 1 may personally and individually determine whether or not to automatically route calls based on whether the subscriber has decided

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to activate the automatic routing feature. See, e.g., p. 8, line 22 – p. 9, line 9. *Kwok et al.* discloses only a system-wide automatic method, or a manual, call-by-call, routing. For at least this reason, the applicant believes claim 1 is patentable over *Kwok et al.*

Claim 1 is allowable for other reasons too. For example, both *Kwok* and *Luong* fail to disclose a method for "storing the incoming telephone call in a voice mail system that is associated with the subscriber's telephone line or associated with a telephone of the subscriber". As explained below, *Kwok* and *Luong* would also not be combined. For at least these reasons, claim 1 is patentable over the combination of *Kwok* and *Luong*.

Independent claims 9 and 15 recite to similar limitations, and are thus allowable for similar reasons. Since the independent claims are allowable, based on at least the above reasons, the claims that depend from them are likewise allowable.

With regard to independent claim 9 and *Brockman*, as noted above, *Brockman* discloses a system and method that enables a calling party to verify the delivery or the cancellation of a stored facsimile. *Brockman*, like *Kwok*, fails to disclose a method for "automatically determining whether the individual subscriber has activated a subscriber-specific automatic routing feature that automatically routes incoming calls based on whether they are voice or facsimile calls."

Further, *Brockman* fails to disclose a method for "storing the incoming telephone call in a voice mail system that is associated with the subscriber's telephone line or associated with a telephone of the subscriber". Instead, *Brockman* discloses a method in which incoming facsimile is routed for storage in a voice mail system in which the "fax machine 45 subscribes to voice mail service". Column 2, lines 16-17. *Brockman* fails to disclose a system in which the telephone line or telephone, and not the fax machine, subscribes to the voice mail system. As explained below, *Kwok* and *Brockman* would not be combined. However, even if they were combined, neither *Kwok* nor *Brockman* teach or suggest storing an incoming facsimile in a voice mail system that the subscriber's telephone line subscribes to.

The Applied References Lack a Specific Suggestion to Combine Them As
Argued in the Office Action

Independent claims are allowable not only because they recite limitations not found in the references (even if combined), but for at least the following additional reasons. For example, there is no motivation in the references themselves to combine the various disclosures as suggested. As is known, it's impermissible to pick and choose teachings from various prior art references to construct the claimed invention.

Assuming, for argument's sake, that it would be obvious to combine the disclosures of *Kwok* with *Luong*, *Brockman*, and *Horne*, then *Kwok* would have done so because it would have provided at least some of the advantages of the presently claimed invention. *Kwok's* failure to employ the features cited in *Luong*, *Brockman*, and *Horne* is persuasive proof that the combinations recited in claims 1, 9, and 15 are unobvious. For at least this reason, the applicant believes that claims 1, 9, and 15 are patentable.

Possibly more importantly, *Brockman* teaches away from the claimed invention. Under *Brockman*, a subscriber who acquires a facsimile machine would need to obtain a separate phone line (and number), and a voice mail account. The subscriber would already have a phone and associated, separate phone line/number, and likely a separate voice mail account. The applicant recognized the problems of such redundancy and cost, which are problems discussed in the background section of the application. The presently claimed invention, which employs routing of calls to a single number and to a voice mail box associated with the subscriber's line/phone, overcomes the problems associated with *Brockman*.

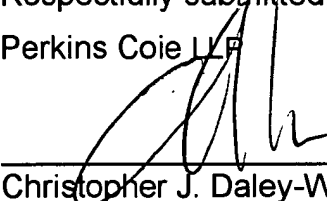
III. Conclusion

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3599.

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Respectfully submitted,

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